

Remarks

As seen above, Applicant has amended Claims 12 and 14 to specify the stationary and attaching nature of the first and second members and the placement of the spacer member between and attached to the stationary first and second members. Vandergrift does not disclose such a stationary laminate attachment arrangement and Miller discloses no such spacer arrangement. For these reasons, Claims 12 and 15-18 should be allowed.

Finally, Applicant submits a new Claim 24 which is substationary similar to that of Claim 1 but without the term "cooling". If the Examiner has any of questions, he is invited to call Applicant's undersigned attorney at (248) 324-7787.

Respectfully,

John G. Chupa, Esq. (Reg. No. 33,483)
The Law Offices of John Chupa
28535 Orchard Lake Rd
Suite 50
Farmington Hills, MI 48334

JGC / AV



CERTIFICATE OF MAILING

I, Anna Vortsman, do hereby certify that the foregoing Response to Office Action is being deposited with the United States Postal Service as First Class Mail, to the Box Response No Fee, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on this day of October 3rd, 2003.

A handwritten signature in cursive ink that appears to read "Anna Vortsman".

Anna Vortsman

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OCT 16 2003

TECHNOLOGY DIVISION A3703

OCT 09 2003

Practitioner's Docket No. 199-003**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
OCT 16 2003
TECHNOLOGY CENTER R3700

In re application of: A Tool And A Method For Making A Tool

Application No.: 09/930,601 Group No.: 3726
 Filed: 08/14/2001 Examiner: Heckenberg Jr. Donald H.
 For: Mark Manuel

Assistant Commissioner for Patents
 Washington, D.C. 20231

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
 OR IN A NAFTA OR WTO MEMBER COUNTRY
 TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. § 1.131)**

PURPOSE OF DECLARATION

1. This declaration is to establish completion of the invention in this application in the United States, at a date prior to April 15, 2001, that is the effective date of the prior art:

- publication
 patent

that was cited by the

- examiner.
 applicant.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.

SignatureAlina Tolkachier

(type or print name of person certifying)

Date: 9/12/03RECEIVED
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NOTE: "When any claim of an application or a patent under reexamination is rejected under 35 U.S.C. 102(a) or (e), or 35 U.S.C. 103 based on a U.S. patent to another or others which is prior art under 35 U.S.C. 102(a) or (e) and which substantially shows or describes but does not claim the same patentable invention, as defined in 37 C.F.R. 1.601(n), or on reference to a foreign patent or to a printed publication, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43 or 1.47, may submit an appropriate oath or declaration to overcome the patent or publication. The oath or declaration must include facts showing a completion of the invention in this country or in a NAFTA or WTO member country before the filing date of the application on which the U.S. patent issued, or before the date of the foreign patent, or before the date of the printed publication. When an appropriate oath or declaration is made, the patent or publication cited shall not bar the grant of a patent to the inventor or the confirmation of the patentability of the claims of the patent, unless the date of such patent or printed publication is more than one year prior to the date on which the inventor's or patent owner's application was filed in this country." 37 C.F.R. § 1.131(a)(1).

NOTE: 37 C.F.R. § 1.131 is not applicable to a rejection based on a U.S. patent that CLAIMS the rejected invention.

2. The person making this declaration is (are):

- the inventor(s).
 only some of the joint inventor(s)
(and a suitable excuse is attached for failure of the omitted joint inventor(s) to sign)
 the party in interest
(and a suitable explanation as why it is not possible to produce the declaration of the inventor(s) is attached)

FACTS AND DOCUMENTARY EVIDENCE

3.

NOTE: "The showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application." 37 C.F.R. § 1.131(b).

To establish the date of completion of the invention of this application, the following attached documents and/or models are submitted as evidence:

(check all applicable items below)

- sketches
 blueprints
 photographs
 reproduction(s) of notebook entries
 model
 supporting statement(s) by witness(es) (where verbal disclosures are the evidence relied upon)

NOTE: While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See Mergenthaler v. Scudder 1897 C.D. 724, 81 O.G. 1417. See also M.P.E.P. § 715.07 and § 2138.04, 7th ed.

(Declaration of Prior Invention in the United States or in a NAFTA or WTO Member Country to Overcome Cited Patent or Publication—37 C.F.R. § 1.131 [9-32]—page 2 of 5)

From these documents and/or models, it can be seen that the invention in this application was made

- on _____
 at least by the date of 04/04/01, which is a date earlier than the effective date of the reference.

NOTE: "If the dates of the exhibits have been removed or blocked off, the matter of dates can be taken care of in the body of the oath or declaration." M.P.E.P. § 715.07, 7th ed.

NOTE: "[T]he dates in the oath or declaration may be the actual dates, or, if the applicant or patent owner does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specified date." M.P.E.P. § 715.07, 7th ed.

DILIGENCE

NOTE: "Where there has not been reduction to practice prior to the date of the reference, the applicant or patent owner must also show diligence in the completion of his or her invention from a time just prior to the date of the reference continuously up to the date of the actual reduction to practice or up to the date of filing his or her application (filing constitutes a constructive reduction to practice, § 1.131)." M.P.E.P. § 715.07, 6th ed., rev. 3 (emphasis added).

NOTE: "A conception of an invention, though evidenced by disclosure, drawings, and even a model, is not a complete invention under the patent laws, and confers no rights on an inventor, and has no effect on a subsequently granted patent to another, UNLESS HE OR SHE FOLLOWS IT WITH REASONABLE DILIGENCE BY SOME OTHER ACT, such as an actual reduction to practice or filing an application for a patent. Automatic Weighing Mach. Co. v. Pneumatic Scale Corp., Limited 1909 C.D. 498, 139 O.G. 991, M.P.E.P. § 715.07, 7th ed.

"Conception in the mental part of the inventive act, but it must be capable of proof, as by drawings, complete disclosure to another person, etc. In Mergenthaler v. Scudder, 1897 C.D. 724, 81 O.G. 1417, it was established that conception is more than a mere vague idea of how to solve a problem; the means themselves and their interaction must be comprehended also." M.P.E.P. § 715.07, 7th ed.

NOTE: Only diligence before reduction to practice is a material consideration. The "lapse of time between the completion or reduction to practice of an invention and the filing of an application thereon" (Ex parte Merz 74 U.S.P.Q. 296) is not relevant to an affidavit or declaration under 37 C.F.R. § 1.131. M.P.E.P. § 715.07(a), 7th ed.

Attached is a statement establishing the diligence of the applicants, from the time of their conception, to a time just prior to the date of the reference, up to the:

- actual reduction to practice.
 filing of this application.

TIME OF PRESENTATION OF THE DECLARATION

(complete (a), (b) or (c))

- (a) This declaration is submitted prior to final rejection.
 (b) This declaration is submitted with the first response after final rejection, and is for the purpose of overcoming a new ground of rejection or requirement made in the final rejection.
 (c) This declaration is submitted after final rejection. A showing under 37 C.F.R. § 1.116(b) is submitted herewith.

(Declaration of Prior Invention in the United States or in a NAFTA or WTO Member Country to Overcome Cited Patent or Publication—37 C.F.R. § 1.131 [9-32]—page 3 of 5)

DECLARATION

6. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on Information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

7. (complete A or B below)

A. Inventor(s)

Full name of sole or first inventor Mark Manuel

Inventor's signature M. Manuel

Date 9/12/03 Country of Citizenship England

Residence 14377 Knights Bridge Shelby Twp., MI 48315

Post Office Address same as above

Full name of second joint inventor, if any not applicable

Inventor's signature _____

Date _____ Country of Citizenship _____

Residence _____

Post Office Address _____

(use added page for signature by additional inventors)

Number of pages added: _____

(Declaration of Prior Invention in the United States or in a NAFTA or WTO Member Country to Overcome
Cited Patent or Publication—37 C.F.R. § 1.131 [9-32]—page 4 of 5)

B. Assignee

(type or print name of person signing)

Signature

Date

P.O. Address

(type name of assignee)

Address of assignee

Title of person authorized to sign
on behalf of assignee

Assignment recorded in PTO on _____

Reel _____ Frame _____

A "CERTIFICATE UNDER 37 C.F.R. § 3.73(b)" is attached.

(Declaration of Prior Invention in the United States or in a NAFTA or WTO Member Country to Overcome
Cited Patent or Publication—37 C.F.R. § 1.131 [9-32]—page 5 of 5)

Re: DECLARATION OF MARK MANUEL

I, Mark Manuel, declare under penalty of perjury the following:

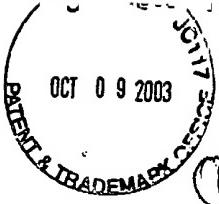
1. I am the inventor of United States Patent Application Serial No. 09/930,601. (hereinafter referred to as "The Application")
2. I know from my own personal first hand knowledge that the inventions which are described and claimed within The Application were made at least as early as April 4, 2001.
3. For example and without limitation, Exhibit "A" includes copies of pictures which I took on April 1, 2001 and which show a tool made by the laminate process which is described and claimed within The Application and further comprises a tool which is described and claimed within The Application.
4. For example and without limitation, Exhibit "B" is a copy of a dated sketch that I made on February 12, 2001 which shows the creation of gaps between laminates, such gaps being described and claimed within The Application.

Further Affiant Sayeth not

Sincerely,



Mark Manuel

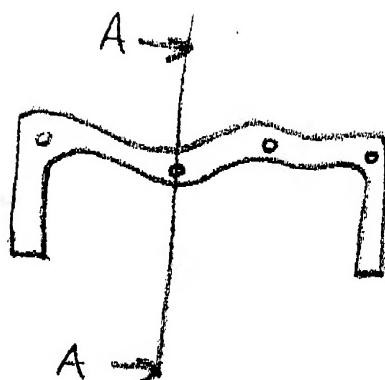


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RESOURCE ONE

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① GAP Between
Laminates



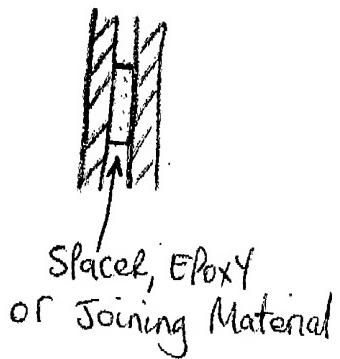
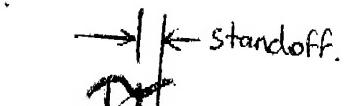
② GAP Maintenance



A-A

① THE GAP Required Between The laminates IS defined by The Process or Material.

② Gap is Maintained between The Plates by :-



(ALSO used Epoxy - Because its viscous)

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FEB 12th 2001
M.M.

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DATE

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PICTURES TAKEN APRIL 1ST 2001.
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